

United States Bankruptcy Court
CENTRAL DISTRICT OF CALIFORNIA



Judicial Variance Survey
*March 2001**

The United States Bankruptcy Court for the Central District of California periodically surveys its judges to assess the differences in procedures from chambers to chambers. The following table summarizes the most recent survey and is part of an ongoing commitment towards providing the highest level of public service possible. The data is distributed through the Court's web site.

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* Judge March's answers revised June 2002

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR

PART I. Calendaring

1.	Does the judge schedule particular types of matters on certain days and times?																			
a.	yes	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X
b.	no							X												
c.	don't know																			
2.	If yes, does the judge readily disclose this information to the public?																			
a.	yes	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X
b.	no																			
c.	don't know																			
3.	Does the judge allow hearings to be set by parties and attorneys using a "self-calendaring" system (in which a range of dates are available for selection without having to obtain a date personally from the courtroom deputy)?																			
a.	yes	X	X	X	X	X	X		X	X	X	X	X					X	X	X
b.	no (go to Question 10)							X						X	X	X	X			
c.	don't know																			
4.	Does the judge require admissible evidence in support of a default judgment?																			
a.	always	X	X		X	X	X	X	X	X	X	X	X		X		X	X	X	X
b.	usually			X										X		X				
c.	sometimes																			
d.	rarely																			
e.	never																			
f.	no experience																			
Question #4 Detailed Response																				
Judge Carroll: Always in section 523 and section 727 actions.																				
5.	Does the judge require a hearing on a motion for default judgment?					X		X	X					X						X
a.	always																			
b.	usually	X								X										
c.	sometimes		X	X		X		X								X	X			
d.	rarely										X	X			X			X	X	
e.	never				X								X							
f.	no experience																			
6.	If question 5 is answered a-d, does the judge require 24 days notice of such a hearing?																			
a.	always	X		X					X	X										X
b.	usually		X			X	X	X	X		X	X		X		X	X	X	X	
c.	sometimes																			
d.	rarely													X						
e.	never																			
f.	no experience																			

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR
7. In adversary proceedings, at what procedural stage does the judge normally set a trial date?																				
a. with issuance of the				X			X													
b. at a status conference					X								X	X	X		X		X	
c. at the pretrial conference	X	X	X			X		X	X	X	X	X			X	X	X	X		X
d. other																		X		
e. no experience																				
Question #7 Detailed Response																				
Judge Barr: Short matters are set for trial at status conference.																				
Judge Riddle: When discovery is complete.																				
Judge Jury: At status conference if pretrial is waived; at the pretrial conference when pretrial conference is required.																				
8. Does the judge allow hearings on an emergency basis (less than 48 hours notice)?																				
a. always																				
b. usually														X	X	X				
c. sometimes		X		X		X					X	X	X				X	X	X	
d. rarely	X		X		X		X	X	X	X										X
e. never																				
f. no experience																				
9. Does the judge grant orders shortening time for hearings (other than emergency matters) upon a showing of good																				
a. yes	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
b. no																				
c. no experience																				

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR

10. Does the judge's staff distribute daily calendars of hearings other than through posting inside or outside the courtroom

a. yes	X	X	X	X	X	X	X	X	X	X		X	X	X		X		X		X
b. no											X				X				X	
c. no experience																				

Question #10 Detailed Response

Judge Ahart: Copy given to United States Trustee and it's made available on webPACER.

Judge Alberts: webPACER

Judge Barr: webPACER

Judge Bluebond: webPACER

Judge Bufford: Made available on webPACER

Judge Carroll: webPACER

Judge Donovan: webPACER

Judge Goldberg: Copy of calendar given to United States Trustee Office weekly - copy also at counsel tables. Copy given to other judges in the Division.

Judge Lax: webPACER

Judge March: Copies of the calendars with tentative rulings are posted on the internet and can be viewed in advance of hearing from any computer with a modem using the webPACER system; my written tentative rulings are posted by no later than the day before the hearing; copies of the calendar with tentative rulings are also posted outside the courtroom door, and on both counsel tables in the courtroom on the day of hearing so that attorneys/parties who have not read the tentative rulings on webPACER can read them while they are here. Additionally, calendars without tentative rulings are available via webPACER up to one week in advance.

Judge Mund: webPACER

Judge Naugle: Clerk's Office; other judges; counsel table.

Judge Riblet: webPACER, also weekly calendar to U.S. Trustee

Judge Robles: webPACER

Judge Smith: webPACER

Judge Zurzolo: webPACER

11. Would you find it useful for calendars to be available through some electronic medium (i.e., computer bulletin board)?

a. yes	X	X	X		X	X		X	X	X	X	X	X		X	X		X	X	X
b. no																	X			

12. Does the judge allow for continuances of motions, other than by noticed motion or written stipulation pursuant to the requirements of Local Bankruptcy Rule 9013-1(6)?

a. yes	X	X	X	X	X	X	X		X	X			X	X	X	X		X	X	X
b. no (go to Questions 22)								X			X	X					X			
c. no experience																				

Question #12 Detailed Response

Judge Lax: Rarely, but sometimes with good cause.

Judge March: Sometimes, orally at hearings, otherwise per Local Rules procedure.

Judge Riblet: Sometimes orally at hearings

Judge Smith: Sometimes orally at hearings.

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR

13. If yes, indicate how continuances are handled by the judge's chambers.

a. orally at hearing	X	X	X	X	X	X	X		X	X		X	X	X	X				X	X
b. by telephone to the law				X	X							X	X							
c. by telephone to the				X	X							X			X	X				
d. other	X																	X		

Question #13 Detailed Response

Judge Barr: All of the listed alternatives are available under certain circumstances.
I may also prepare orders for *pro pers*.

14. Does the judge take time estimates from counsel at the commencement of calendar?

a. always																	X			
b. usually																X				
c. sometimes																				
d. rarely		X	X	X	X	X	X	X	X	X	X		X						X	X
e. never	X											X		X	X			X		
f. no experience																				

15. Does the judge consider priority requests from counsel at the time of calendar call?

a. always	X	X	X	X		X	X	X	X	X	X	X	X				X	X	X	
b. usually					X									X	X					
c. sometimes																				X
d. rarely																X				
e. never																				
f. no experience																				

Question #15 Detailed Response

Judge Bufford: Priority only permitted for other court appearances.

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR

PART II. Processing Orders

16. Does the judge (or the judge's staff) ever prepare orders after hearings?

a. always

b. usually

c. sometimes

d. rarely

e. never

f. no experience

17. If your response to Question 16 was a, b, c, or d, please identify the type or types of orders the judge/staff has prepared. You may select more than one answer.

a. F.R.B.P. Rule 7016

b. relief from stay

c. denials/dismissals for want

d. other

Question #17 Detailed Response

Judge Ahart: Orders on motions where the movant does not appear; orders after hearings where no proposed order is lodged by the parties; orders after hearings on orders to show cause; other orders as needed.

Judge Alberts: Chapter 13 confirmation, dismissals, etc.

Judge Barr: I draft various orders when I want specific wording in the order and it appears more efficient and effective to prepare it myself than to ask another person to do so.

Judge Bluebond: OSC's re. dismissal, sanctions, etc., *pro pers*, particularly complicated matters

Judge Bufford: Orders to show cause and orders on submitted matters.

Judge Carroll: Sanction orders; orders re: reaffirmation agreements.

Judge Donovan: Orders to show cause; disclosure statement orders; reaffirmation orders; orders denying reaffirmations, orders for *pro ses*.

Judge Goldberg: Orders denying reaffirmation; conversions/*pro se*.

Judge Greenwald: Orders granting or denying reaffirmation applications.

Judge Jury: *Pro per* orders in general

Judge Lax: Denials/dismissals for want of prosecution; orders to show cause; occasionally when *pro per* prevails.

Judge March: I draft complicated orders myself quite often and orders when I am doing an order with opinion for publication, or where the orders that the parties submit are so inaccurate I can't use them.

Judge Mund: When *pro per* prevails; on very messy cases.

Judge Naugle: Conversion orders; orders to show cause.

Judge Riblet: As needed.

Judge Russell: Involving *pro pers*.

Judge Ryan: Orders to show cause and dismissal orders.

Judge Smith: Orders to show cause; orders denying or approving reaffirmation agreements.

Judge Zurzolo: Pretrial conference orders; disclosure statement orders; reaffirmations; orders to show cause

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR
18. Does the judge ever sign orders on the bench at the conclusion of a hearing?																				
a. always														X						
b. usually						X					X	X	X		X	X				X
c. sometimes		X			X		X	X									X	X		
d. rarely	X		X						X	X									X	
e. never				X																
f. no experience																				
Question #18 Detailed Response																				
Judge Carroll: except as in #20																				
19. If the judge signs an order on the bench, does the judge permit counsel to obtain one or more conformed copies of that order to take with them upon leaving the hearing?																				
a. always														X	X	X				
b. usually			X																	
c. sometimes		X			X		X				X						X			
d. rarely						X		X				X	X					X	X	
e. never	X								X	X										X
f. no experience																				
20. Does the judge grant requests by counsel to "walk an order through" or otherwise arrange for expedited entry of an																				
a. always				X																
b. usually															X	X				
c. sometimes	X	X	X		X	X	X	X			X			X			X		X	
d. rarely									X	X		X	X					X		X
e. never																				
f. no experience																				
If a party in interest files a written objection to the form of a proposed order, does the judge:																				
21. Give the party that lodged the order an opportunity to file a written response to the objection before ruling on the objection?																				
a. always				X																
b. usually	X	X	X				X	X			X	X	X	X		X				X
c. sometimes					X				X						X		X			
d. rarely						X				X								X	X	
e. never																				
f. no experience																				
22. Schedule a hearing on the objection?																				
a. always																X				
b. usually																				
c. sometimes		X		X							X			X	X		X			X
d. rarely	X		X		X	X	X	X	X			X	X					X	X	
e. never										X										
f. no experience																				

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR

23. Arrange for any procedure other than a hearing (e.g., an informal telephone conference) to enable the parties to present their views concerning the form of the proposed order?

a. always

b. usually

c. sometimes

d. rarely

e. never

f. no experience

				X									X	X				X		
	X				X		X	X			X				X	X			X	
	X		X			X			X	X		X					X			X

If your response to Question 23 was a, b, c, or d, please identify the type or types of procedures used by the judge.

Question #23 Detailed Response

Judge Barr: Sometimes uses telephonic conferences for this purpose.

Judge Bluebond: Telephone conference

Judge Carroll: Telephone conference on the record.

Judge Donovan: Rarely, a telephone conference with all counsel; sometimes with judge; sometimes with law clerk.

Judge Goldberg: Telephone conference.

Judge Jury: Telephonic conference.

Judge Mund: Telephone conference.

Judge Naugle: Ask proponent if he/she can live with competing order.

Judge Russell: May have clerk or judicial assistant call the parties.

24. Does the judge expressly limit notice of entry on orders regarding motions that were originally noticed under F.R.B.P. Rule 2002, to opposing parties and the United States Trustee?

a. always

b. usually

c. sometimes

d. rarely

e. never

f. no experience

										X				X		X		X	X	
							X				X		X							
	X	X			X			X							X					X
	X					X			X			X					X			

25. If you telephone the Court after you have lodged an order, are you able to reach a member of the judge's staff who can tell you whether that order has been signed?

a. always

b. usually

c. sometimes

d. rarely

e. never

f. no experience

					X	X					X			X			X		X	X
X	X			X			X	X			X			X			X			
															X					
		X								X			X							

26. If you send a messenger or an attorney service to court after you have lodged an order, is he or she able to speak to a member of the judge's staff who can tell him or her whether that order has been signed?

a. always

b. usually

c. sometimes

d. rarely

e. never

f. no experience

					X	X					X						X		X	
X	X			X			X	X			X			X			X			
														X						
		X							X			X			X					X

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR
27. If the order that you brought to court with you on the day of a hearing differs materially from the relief granted by the judge at the time of hearing or contains typographical or other errors, does the judge accept an order that has been modified or corrected with handwritten notations or interlineations at the time of hearing?																				
a. always	X													X	X					
b. usually		X	X		X	X	X		X		X	X	X			X	X	X	X	X
c. sometimes				X						X										
d. rarely								X												
e. never																				
f. no experience																				
Does the judge enter any of the following types of orders <i>sua sponte</i>?																				
28. Orders establishing deadlines for the filing of plans and/or disclosure statements:																				
a. always							X													
b. usually			X			X			X											
c. sometimes		X			X		X			X		X	X							
d. rarely											X				X	X		X	X	
e. never	X			X					X					X			X			
f. no experience																				
29. Orders setting a claims bar date in Chapter 11 cases:																				
a. always			X											X						
b. usually						X				X										
c. sometimes		X			X		X			X		X								
d. rarely											X						X		X	
e. never	X			X				X	X					X	X		X			X
f. no experience																				
30. Orders to show cause re dismissal:																				
a. always				X																
b. usually										X	X	X								
c. sometimes	X	X	X		X	X	X	X	X	X				X	X	X			X	
d. rarely																	X	X		X
e. never																				
f. no experience																				
31. Orders requiring parties to participate in settlement conferences:																				
a. always																				
b. usually																				
c. sometimes		X					X			X								X		
d. rarely	X		X	X	X	X				X		X		X					X	
e. never							X	X			X		X		X	X	X			X
f. no experience																				
32. Orders establishing trial procedures:																				
a. always	X	X		X			X	X												
b. usually					X					X										
c. sometimes						X				X	X	X			X		X	X		
d. rarely			X					X					X				X			X
e. never														X						
f. no experience																				

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR

Does the judge require you to use Central District forms pursuant to Local Bankruptcy Rule 9009-1 for the following?

33. Joint pre-trial orders:

a. always

b. usually

c. sometimes

d. rarely

e. never

f. no experience

				X					X			X								
	X						X									X	X			
					X										X					
	X		X			X		X		X	X		X	X				X	X	X

34. F.R.B.P. 7016 scheduling orders:

a. always

b. usually

c. sometimes

d. rarely

e. never

f. no experience

						X														
											X	X			X					
																X				
																	X			
	X	X	X		X	X		X	X	X			X	X				X	X	X

Question #34 Detailed Response

Judge Carroll: The Court has its own form of scheduling order.

If the judge does not require Central District forms pursuant to Local Bankruptcy Rule 9009-1 does the judge require you to include specified standard language in orders concerning any of the following?

35. Orders granting motions for relief from stay with regard to residential real property:

a. always

b. usually

c. sometimes

d. rarely

e. never

f. no experience

									X					X	X					
					X	X														
																	X			
	X										X	X							X	X

Question #35 Detailed Response

Judge Barr: I much prefer form order.

Judge Bluebond: Not applicable, use forms.

Judge Bufford: I require form order.

Judge Carroll: The form order must be used.

Judge Jury: I require the form order.

Judge Lax: I require form order.

Judge Mund: I require form order.

Judge Naugle: Requires the form order.

Judge Riblet: I require form order.

Judge Smith: I generally require the form order.

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR

36. Orders granting motions for relief from stay with regard to commercial real property:

a. always										X					X					
b. usually						X	X													
c. sometimes														X						
d. rarely											X						X			
e. never	X											X							X	X
f. no experience																				

Question #36 Detailed Response

Judge Barr: I much prefer form order.
 Judge Bluebond: Not applicable, use forms.
 Judge Bufford: The form order must be used.
 Judge Carroll: The form order must be used.
 Judge Jury: The form order must be used.
 Judge Lax: The form order must be used.
 Judge Mund: The form order must be used.
 Judge Naugle: Requires the form order.
 Judge Riblet: I require form order.
 Judge Smith: The form order must be used.

37. Orders granting other types of motions for relief from stay:

a. always										X				X	X					
b. usually						X	X									X				
c. sometimes																				
d. rarely											X						X			
e. never	X											X							X	X
f. no experience																				

Question #37 Detailed Response

Judge Barr: I much prefer form order.
 Judge Bluebond: Not applicable, use forms.
 Judge Bufford: The form order must be used.
 Judge Carroll: The form order must be used.
 Judge Jury: The form order must be used.
 Judge Lax: The form order must be used.
 Judge Mund: The form order must be used.
 Judge Riblet: I require form order.
 Judge Smith: The form order must be used.

38. Joint pre-trial orders:

a. always		X	X						X	X										
b. usually						X	X				X	X		X		X				
c. sometimes																				
d. rarely					X										X		X			
e. never	X							X				X						X	X	X
f. no experience																				

Question #38 Detailed Response

Judge Bluebond: Use format required by Local Rule.
 Judge Carroll: Form order must be used.

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR
39. F.R.B.P. 7016 scheduling orders:																				
a. always							X		X							X				
b. usually											X	X								
c. sometimes										X										
d. rarely		X			X	X								X	X		X			
e. never	X		X					X					X					X	X	X
f. no experience																				
Question #39 Detailed Response																				
Judge Carroll: Court has own form scheduling order.																				
40. Orders approving disclosure statements:																				
a. always																				
b. usually					X	X	X				X						X			
c. sometimes		X														X				
d. rarely				X					X					X	X					
e. never	X		X					X		X		X	X					X	X	X
f. no experience																				
41. Confirmation orders:																				
a. always										X										
b. usually	X	X			X	X	X				X			X						
c. sometimes									X			X				X		X		
d. rarely				X											X		X			
e. never			X					X				X						X	X	
f. no experience																				
42. Orders dismissing cases:																				
a. always																				
b. usually							X				X									
c. sometimes		X			X	X				X		X				X				
d. rarely									X						X		X			
e. never	X		X	X				X				X	X					X	X	X
f. no experience																				
43. Orders converting cases:																				
a. always																				
b. usually							X				X			X						
c. sometimes					X							X				X				
d. rarely		X				X			X	X					X		X			
e. never	X		X	X				X				X						X	X	X
f. no experience																				
44. Other, please specify the type(s) of orders and the general nature of the language that must be included in each:																				
Judge Alberts: Re disclosure statement: statement that factual and legal contentions have not yet been determined by Court.																				
Judge Bufford: Language required by Local Rule 7016. All Relief from Stay Motions and Orders must be submitted on Court-approved forms.																				
Judge Goldberg: Adequate protection orders regarding Notice of Default and Lodging of Order and Declaration.																				
Judge Mund: I will determine provisions on all of the above orders, but do not require a set phraseology.																				

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR

Local Bankruptcy Rule 1002-1(4) describes the proper format for papers to be presented to the Court.

45. Does the judge (or the judge's staff) reject and return papers which do not substantially comply with Local Bankruptcy Rule 1002-1(4) requirements (e.g., blue backing, Bates stamping)?

a. always

b. usually

c. sometimes

d. rarely

e. never

f. no experience

													X							
											X						X		X	X
			X			X						X				X				
X	X			X	X			X						X	X			X		
										X										
									X											

46. Does the judge (or the judge's staff) reject and return papers which are signed in a color other than black or dark blue, as required under Local Bankruptcy Rule 1002-1(4)?

a. always

b. usually

c. sometimes

d. rarely

e. never

f. no experience

X																				
	X	X				X	X	X		X	X	X	X	X	X	X	X	X	X	X
				X	X				X											

NOTICES OF ENTRY: Local Bankruptcy Rule 9021-1(1)(a)(iv) and (v) require that "notices of entry of order" accompany most proposed orders. Local Bankruptcy Rule 9021-1(1)(a)(v) also governs the contents of this notice. Appendix III to the Local Bankruptcy Rules dictates that notices of entry are required for every order and judgment except for orders: dismissing or converting the case; appointing or discharging the trustee; granting stipulations for continuance; granting stipulations extending the time to respond; extending the time to file

Does the judge (or the judge's staff) reject and return a proposed form of order which lacks:

47. The correct number of envelopes?

a. always

b. usually

c. sometimes

d. rarely

e. never

f. no experience

														X		X				
											X		X	X				X		
X		X			X							X				X				
	X			X		X	X	X												X
									X								X			

Question #47 Detailed Response

Judge Bluebond: Staff will call and request the problem be remedied.

Judge Carroll: Staff will call counsel and ask that problem be corrected; if not completed within a reasonable period of time, order will then be returned.

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR

48. The correct amount of postage?

a. always											X		X	X	X		X		X	
b. usually								X												
c. sometimes						X	X									X				
d. rarely	X	X			X															X
e. never			X						X	X								X		
f. no experience												X								

Question #48 Detailed Response

Judge Bluebond: Staff will call and request the problem be remedied.

Judge Carroll: Staff will call counsel and ask that problem be corrected. If not completed within a reasonable period of time, order will then be returned.

49. The correct notice of entry?

a. always											X		X		X		X		X	
b. usually	X							X	X							X				X
c. sometimes			X			X								X						
d. rarely		X			X		X													
e. never										X								X		
f. no experience												X								

Question #49 Detailed Response

Judge Bluebond: Staff will call and request the problem be remedied.

Judge Carroll: Staff will call counsel and ask that problem be corrected. If not completed within a reasonable period of time, order will then be returned.

50. The correct number of copies of the order?

a. always											X		X		X				X	
b. usually	X								X								X			
c. sometimes						X								X		X				
d. rarely		X	X		X		X	X										X		X
e. never										X										
f. no experience												X								

Question #50 Detailed Response

Judge Bluebond: Staff will call and request the problem be remedied.

Judge Carroll: Staff will call counsel and ask that problem be corrected. If not completed within a reasonable period of time, order will then be returned.

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR

51. The required blue backs?

a. always

b. usually

c. sometimes

d. rarely

e. never

f. no experience

											X		X						X	X
															X					
			X			X														
	X						X	X								X		X		
	X				X				X	X				X			X			
												X								

Question #51 Detailed Response:

Judge Bluebond: Staff will call and request the problem be remedied.

Judge Carroll: Staff will call counsel and ask that problem be corrected. If not completed within a reasonable period of time, order will then be returned.

52. If a large number of parties are entitled to receive notice of entry of an order signed by the Judge, what procedure does the judge employ to accomplish service of notices of entry of that order:

a. ask party submitting to provide copies to court

b. instructs the party submitting to serve notice

c. Instructs parties to serve notices of entry, but doesn't require it appear in the order

d. other

X	X		X	X	X			X	X	X				X	X	X	X			
	X	X	X			X													X	
								X				X	X					X		X

Question #52 Detailed Response

Judge Barr: Any of the alternative procedures may be used but I seldom require counsel to serve.

Judge Bluebond: (a) or (b), depending on preference of parties.

Judge Lax: All of the above are acceptable.

Judge March: Occasionally, I have the Clerk's Office notice all creditors. Otherwise (a.) above.

Judge Mund: All of the above are acceptable.

Judge Riblet: All of the above are acceptable.

Judge Russell: The parties submit a cover letter stating they will do notice for all parties of interest.

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR

PART III. Motion Practice and Adversary Proceedings

53. Does the judge consider oral motions other than during trial?																				
a. always																				
b. usually																				
c. sometimes				X	X												X			
d. rarely	X	X				X	X	X	X	X	X	X	X	X	X	X		X	X	X
e. never			X																	
f. no experience																				
54. Does the judge deny a motion solely because it is not supported by declarations or other admissible evidence where there are factual issues involved in the motion?																				
a. always							X				X							X		X
b. usually	X	X	X		X	X	X		X			X	X		X		X		X	
c. sometimes										X				X		X				
d. rarely																				
e. never																				
f. no experience				X																
55. Does the judge allow oral testimony on emergency motions (such as initial motions for use of cash collateral)?																				
a. always																				
b. usually				X											X	X				X
c. sometimes		X			X	X	X				X	X		X			X			
d. rarely	X		X					X	X	X			X					X	X	
e. never																				
f. no experience																				
56. Does the judge allow oral testimony on routine motions?																				
a. always																				
b. usually															X					
c. sometimes											X					X	X			
d. rarely		X			X	X	X	X		X		X	X	X				X	X	X
e. never	X		X	X					X											
f. no experience																				
57. Does the judge permit a party to make oral evidentiary objections to written declarations at the hearing?																				
a. always																				
b. usually																X		X		
c. sometimes	X									X		X	X							
d. rarely		X	X		X	X	X	X	X		X			X	X		X		X	X
e. never				X																
f. no experience																				

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR
58. Does the judge consider written evidentiary objections if not made in a separate document?																				
a. always																X		X		
b. usually									X											
c. sometimes	X	X			X		X			X			X	X	X		X			
d. rarely			X			X		X			X	X							X	X
e. never				X																
f. no experience																				
Local Bankruptcy Rule 9013-1(1)(m) contemplates that the Court will rule upon the papers and evidence submitted prior to the hearing. The Local Bankruptcy Rule also states that when the Court intends to take oral testimony, it will give the parties two court days notice of its intention, if possible, or may grant such a continuance as it may deem appropriate.																				
59. Does the judge ever notify counsel of an intent to take oral testimony?																				
a. always																				
b. usually		X			X		X				X			X				X	X	
c. sometimes															X	X				
d. rarely			X			X		X		X		X	X		X					X
e. never	X																			
f. no experience				X					X											
60. Does the judge permit oral testimony without prior request in accordance with Local Bankruptcy Rule 9013-1(1)(m)?																				
a. always																				
b. usually															X	X				
c. sometimes							X				X									
d. rarely	X	X			X			X		X		X	X	X			X	X	X	X
e. never			X			X			X											
f. no experience				X																
61. Does the judge require declarants to be present in court on emergency motions?																				
a. always																	X			
b. usually																				
c. sometimes					X	X										X				
d. rarely		X	X	X			X	X	X		X	X	X	X	X			X	X	X
e. never	X									X										
f. no experience																				
62. Does the judge require declarants to be present in court on regularly scheduled motions?																				
a. always																				
b. usually																				
c. sometimes															X		X			
d. rarely		X		X	X		X	X			X		X	X		X			X	X
e. never	X		X			X			X	X		X						X		
f. no experience																				

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR

63. Does the judge require declarants to be present in court for preliminary hearings on motions for relief from the automatic stay?

a. always

b. usually

c. sometimes

d. rarely

e. never

f. no experience

		X			X		X	X			X		X		X	X				
X			X	X		X			X	X		X		X			X	X	X	X

64. Does the judge require declarants to be present in court for final (evidentiary) hearings on motions for relief from the automatic stay?

a. always

b. usually

c. sometimes

d. rarely

e. never

f. no experience

				X					X						X					X
X	X					X	X			X	X		X				X		X	
												X		X				X		
		X			X			X								X				

65. Does the judge require delivery of courtesy copies of responsive pleadings to chambers?

a. always

b. usually

c. sometimes

d. rarely

e. never

f. don't know

			X			X					X	X	X		X		X	X		
	X				X	X		X												
X		X							X	X				X					X	X
																X				

Under what circumstances is such delivery required?

Question #65 Detailed Response

Judge Ahart: For emergency motions and motions heard on shortened time.

Judge Barr: Always. But courtesy copies are to be deposited in box on 6th Floor.

Judge Bluebond: When motion being heard on shortened time.

Judge Bufford: When filed close to the hearing.

Judge Donovan: When pleadings are specially allowed to be filed within 2 weeks of hearing.

Judge Goldberg: Papers filed within two court days of hearing.

Judge March: On shortened time motions, or emergency motions and reply pleadings, or regular time motions - whenever I wouldn't get the papers before the hearing if I had to wait for them to come from the Clerk's Office.

Judge Mund: If they want me to read it, I need a copy! We don't pull files for hearings.

Judge Riblet: Because of distance from Los Angeles counsel I request courtesy fax of pleadings due within 3 days of hearing and authorize filing by mail or at hearing.

Judge Russell: Courtesy copies by noon to chambers in *ex parte* matters.

Judge Smith: Generally, when the responsive pleadings are due less than 5 court days prior to hearing.

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR
66. If the judge requires courtesy copies, must those copies be conformed copies (i.e., file-stamped by the Clerk's Office)?																				
a. always						X				X	X						X			
b. usually	X	X	X		X		X	X				X	X							
c. sometimes																				
d. rarely														X						
e. never				X					X						X	X		X	X	X
f. don't know																				

Local Bankruptcy Rule 9013-1(1)(g) requires that a responding party to any motion shall file opposition papers or a "written statement that the motion will not be opposed."

67. Does the judge impose a penalty for a party's failure to file a notice of non-opposition?																				
a. always																				
b. usually																				
c. sometimes																				
d. rarely						X					X						X			
e. never	X	X	X	X	X		X	X	X	X		X	X	X	X	X		X	X	X
f. no experience																				
68. Does the judge grant motions simply on the basis that the opposition has filed no written reply, even where movant has not sustained its burden of proof?																				
a. always																				
b. usually																				
c. sometimes										X				X	X	X				
d. rarely			X									X								
e. never	X	X		X	X	X	X	X	X		X		X				X	X	X	X
f. no experience																				
69. Does the judge strike late filed opposition papers?																				
a. always																				
b. usually																				
c. sometimes	X	X		X		X		X	X	X	X	X				X	X	X		X
d. rarely			X		X		X					X	X	X					X	
e. never																				
f. no experience																				
70. Does the judge grant or deny a motion simply on the basis that a party that has filed opposition papers fails to appear at the hearing?																				
a. always																				
b. usually			X									X								
c. sometimes					X					X	X			X	X	X				
d. rarely	X	X					X	X	X				X						X	
e. never				X		X											X	X		X
f. no experience																				

Question #70 Detailed Response

Judge Donovan: Failure to appear = waiver of opposition; won't grant motion if insufficient on its face.

Judge Lax: Failure to appear = waiver of opposition; won't grant motion if insufficient on its face.

Judge Riblet: Failure to appear = waiver of opposition. But I won't grant motion if insufficient on its face.

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR
71. If one counsel has not appeared or checked in with the court clerk by the time that the judge is ready to hear the motion, does the judge move the matter to "second call" on the judge's calendar?																				
a. always			X							X				X						X
b. usually	X	X			X	X	X	X			X	X	X		X	X		X		
c. sometimes									X											
d. rarely				X															X	
e. never																	X			
f. no experience																				
72. If a matter has been placed on "second call" at movant's request and no other parties appear, how long does the judge usually delay the hearing on the merits on the motion?																				
a. until counsel arrives																				
b. until end of the calendar	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X
c. until the end of the day										X										
73. If a matter has been placed on second call at the movant's request, how long does the judge usually delay the hearing on the merits of the motion?																				
a. hearing begins after	X									X			X					X		
b. until the end of the calendar		X	X	X	X	X	X	X	X		X	X	X	X	X	X	X		X	X
c. until the end of the day																				
74. If counsel appear at a hearing and do not have such familiarity with the case as to permit informed discussion and argument of the motion, does the judge sanction the attorney or the attorney's client?																				
a. always																				
b. usually																	X			
c. sometimes				X		X		X			X		X						X	
d. rarely		X	X		X		X		X	X		X		X		X				X
e. never	X														X			X		
f. no experience																				
75. Does the judge grant parties' telephonic requests to submit on the papers and waive appearance in uncontested matters?																				
a. always				X														X	X	
b. usually					X				X		X			X			X			
c. sometimes		X				X	X						X		X					
d. rarely	X		X									X								
e. never								X		X						X				X
f. no experience																				

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR

Question #75 Detailed Response

Judge March: I rarely waive appearance, but I do grant written requests to appear by telephone if there is any reason it is inconvenient or expensive to appear.

76. If the judge has consented to a waiver of a personal appearance on an uncontested matter, but an opposing party shows up to argue the merits of the motion, what does the judge do?

a. continue the hearing	X	X	X	X	X		X				X			X	X					X
b. take argument on the merits				X											X					
c. deny party to argue on the										X					X				X	
d. other (See below)						X			X			X	X				X	X		
e. no experience								X								X				

Question #76 Detailed Response

Judge Alberts: Varies.

Judge Bluebond: If opposing party's arguments are sufficiently compelling to warrant a continuance.

Judge Barr: My actions will vary with the circumstances.

Judge Carroll: Will continue the hearing or take argument on the merits and rule if the ruling will be in favor of the excused party.

Judge Donovan: See my notice on the Court's web site (under "Rules & Forms", then "Judge's Forms and Instructions") for an explanation of my procedures.

Judge Lax: See if respondent has a meritorious defense; if so, continue it so everyone can be present. Or if there is a meritorious defense, I try to get other counsel on the phone and hear the matter. If counsel is not available, I continue it. If there is no meritorious defense, I grant the motion without further hearing.

Judge March: I will continue the hearing only if opposing party's arguments are compelling enough to warrant a continuance in interests of justice.

Judge Mund: See if respondent has a meritorious defense; if so, continue it so everyone can be present. Or if there is a meritorious defense, I try to get other counsel on the phone and hear the matter. If counsel is not available, I continue it. If there is no meritorious defense, I grant the motion without further hearing.

Judge Smith: Continue hearing only if opposing party's arguments are compelling enough to warrant such continuance in interests of justice.

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR

Local Bankruptcy Rule 9013-1(n) provides that "If Court decides in its discretion to dispense with oral argument on any motion, the courtroom deputy will attempt to give counsel notice of the Court's intention to do so at least 24 hours prior to the hearing date and time."

77. Does the judge give advance notice of a *sua sponte* waiver of oral argument on motions?

a. always		X	X		X					X										
b. usually				X		X					X	X	X							
c. sometimes									X											
d. rarely																				
e. never	X														X	X			X	X
f. no experience							X	X						X			X	X		

Question #77 Detailed Response

Judge Carroll: Through tentative rulings posted on webPACER.

78. Does the Judge permit joinder to a motion?

a. always			X	X										X						
b. usually	X	X			X				X		X	X	X		X	X				
c. sometimes						X	X	X									X	X	X	
d. rarely																				X
e. never										X										
f. no experience																				

If the answer to Question 78 is a, b, c, or d, proceed to Question 79. Otherwise, proceed to Question 82.

79. If so, does the judge permit it if that joinder is filed less than 14 days before the hearing on the motion?

a. always			X											X						
b. usually				X											X					
c. sometimes	X	X			X	X	X	X	X		X	X	X		X			X	X	
d. rarely																	X			
e. never																				X
f. no experience																				

80. Does the judge permit it if that joinder is made orally at the hearing?

a. always																				
b. usually			X	X																
c. sometimes		X			X						X			X	X	X		X		
d. rarely	X					X	X	X	X		X		X				X			
e. never																			X	X
f. no experience																				

81. Does the judge consider joinders that are not supported by their own supporting points and authorities?

a. always			X	X																
b. usually	X	X			X		X					X		X		X				
c. sometimes						X		X	X		X	X			X		X	X		
d. rarely																				
e. never																			X	X
f. no experience																				

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR

Local Bankruptcy Rule 9013-1(1)(p) provides that a party who desires to withdraw a motion or state a lack of opposition to a motion should notify the Court and opposing counsel "not less than two court days in advance of any day fixed for the hearing."

82. Does the judge rule on the merits of motion after that motion has been withdrawn by the moving party?

a. always																				
b. usually																				
c. sometimes																				
d. rarely										X										
e. never	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X		X	X	X
f. no experience																	X			

83. Does the judge permit a party to withdraw its motion at the time of the hearing thereon?

a. always			X				X				X			X	X	X				X
b. usually	X	X		X	X	X		X	X	X		X	X				X		X	
c. sometimes																		X		
d. rarely																				
e. never																				
f. no experience																				

84. Does the judge sanction a party who withdraws its motion, but does not notify the Court at least two court days in advance of the hearing?

a. always																				
b. usually																				
c. sometimes																				
d. rarely						X					X									
e. never	X	X	X	X	X		X	X	X	X		X	X	X	X	X		X	X	X
f. no experience																	X			

Question #84 Detailed Response

Judge March: If the slow withdrawal has unnecessarily caused expense to other parties in interest, I might grant a motion to award fees to the part(ies) who were caused to unnecessarily incur expenses due to slow withdrawal.

85. Does the judge permit stipulated or unopposed oral requests for continuances?

a. always			X											X	X					
b. usually	X	X		X	X	X			X			X				X	X	X	X	X
c. sometimes							X	X		X	X	X								
d. rarely																				
e. never																				
f. no experience																				

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR

Local Bankruptcy Rule 9013-1(3) contains various "meet and confer" requirements.

86. Does the judge excuse compliance with Local Bankruptcy Rule 9013-1(3) in its entirety?

a. always

b. usually

c. sometimes

d. rarely

e. never

f. no experience

87. Does the judge exclude compliance with Local Bankruptcy Rule 9013-1(3) requiring that a preliminary letter be sent?

a. always

b. usually

c. sometimes

d. rarely

e. never

f. no experience

Local Bankruptcy Rule 9013-1(3)(a) requires a meeting of counsel within 10 days of a request to discuss discovery disputes.

88. What type of "meet and confer" satisfies the judge?

a. personal meeting

b. telephonic meeting

c. exchange of letters

d. don't know

Local Bankruptcy Rule 9013-1(3)(b) requires the preparation of a motion and joint written stipulation to frame the discovery issues to be addressed in a motion under Local Bankruptcy Rule 9013-1(3).

89. Does the judge mandate strict compliance with Local Bankruptcy Rule 9013-1(3)(b)?

a. always

b. usually

c. sometimes

d. rarely

e. never

f. no experience

Local Bankruptcy Rule 7065-1 provides special handling for preliminary injunctions. A noticed motion is required for preliminary injunctions if no temporary restraining order is sought; however, when a temporary restraining order is sought, the preliminary injunction shall be sought by an order to show cause.

90. Does the judge require compliance with the procedures of Local Bankruptcy Rule 7065-1 with respect to the procedure to obtain a preliminary injunction?

a. always

b. usually

c. sometimes

d. rarely

e. never

f. no experience

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR
91. Does the judge allow true <i>ex parte</i> relief (without notice to the opposing party) when issuing temporary restraining orders?																				
a. always																				
b. usually																X				
c. sometimes													X	X			X	X		
d. rarely	X	X	X	X	X	X	X	X	X	X	X	X			X				X	X
e. never																				
f. no experience																				
92. If not, what notice does the judge require?																				
a. telephonic notice the			X	X	X		X		X		X	X	X	X	X				X	
b. telephonic notice a				X		X														
c. personal service				X	X								X							X
d. no experience																	X			
e. other							X													
Question #92 Detailed Response																				
Judge Bluebond: Depends on the circumstances.																				
Judge Carroll: Depends on the circumstances.																				
Judge Russell: I require usually at least two days notice.																				
93. Does the judge allow the expansive use of Local Bankruptcy Rule 9013-1(7) for motions other than those covering the subjects specifically listed in Local Bankruptcy Rule 9013-1(7)(a)(i) through (xiii)?																		X	X	
a. always																				
b. usually		X		X					X		X	X	X		X					
c. sometimes	X		X		X	X	X		X					X			X			
d. rarely							X									X				X
e. never																				
f. no experience																				
94. How long does it usually take to receive the order after the proposed order and declaration have been submitted on a Local Bankruptcy Rule 9013-1(7) motion?																				
a. 1 week or less		X	X	X	X	X			X	X	X			X	X	X		X	X	X
b. 2 weeks							X	X					X				X			
c. 3 weeks																				
d. 1 month or more																				
e. no experience											X									
95. How long does it usually take to receive an opposition or response on a Local Bankruptcy Rule 9013-1(7) motion after the notice period has lapsed?																				
a. 1 week or less			X				X	X				X		X		X			X	X
b. 2 weeks																				
c. 3 weeks																				
d. 1 month or more																				
e. no experience						X			X								X			

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR

In the subsection of Local Bankruptcy Rule 9013-1(7) encaptioned RESPONSE AND REQUEST FOR HEARING FILED, the moving party on a motion is directed to contact the Court and schedule a hearing on the motion. If the moving party fails to do so, the judge is permitted to deny the motion without prejudice.

96. Does the judge deny motions under Local Bankruptcy Rule 9013-1(7) for failure to obtain a hearing date by the 15-day deadline required by the Local Bankruptcy Rule (once an objection has been filed to a motion under Local Bankruptcy Rule 9013-1(7))?

- a. always
- b. usually
- c. sometimes
- d. rarely
- e. never
- f. no experience

											X									
			X			X	X							X		X		X		
								X				X								X
X										X			X		X					
				X	X					X							X		X	

Local Bankruptcy Rule 1017-1(1) states that "a debtor's motion to convert a case" from Chapter 7 (to Chapter 11, 12 or 13) or from Chapter 11 (to Chapter 7) does not require notice or a hearing. Local Bankruptcy Rule 1017-1(2) requires that such a motion must be accompanied by the payment of the additional filing fee (if any) for the converted Chapter case.

97. Does the Judge promptly sign orders on initial motions to convert the case from Chapter 7 (to Chapter 11, 12, or 13) or from Chapter 11 (to Chapter 7)?

- a. always
- b. usually
- c. sometimes
- d. rarely
- e. never
- f. no experience

		X					X				X	X		X	X	X	X	X	X	X
X	X		X	X	X	X		X	X			X								

Local Bankruptcy Rule 2004-1 provides that motions for examination under F.R.B.P. section 2004 will be handled without a hearing, unless "otherwise ordered by the Court...."

98. Does the judge rule on motions under F.R.B.P. 2004 without a hearing?

- a. always
- b. usually
- c. sometimes
- d. rarely
- e. never
- f. no experience

X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X
			X														X			

Question #98 Detailed Response

Judge Bluebond: Unless a written opposition is filed.

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR

If a party files a motion for a protective order, Local Bankruptcy Rule 2004-1 implies that the motion may be set for hearing on shortened notice, so long as the hearing is "set for hearing not less than two court days before the scheduled examination, unless an order shortening time is granted by the Court. The parties may stipulate, or the Court may order, that the examination be postponed so that the motion for protective order can be heard on regular notice under Local Bankruptcy Rule 9013-1(1). The Court may require compliance with Local Bankruptcy Rule 9075-1(1)."

99.	Does the judge grant orders shortening time to hear motions for protective orders?					X								X	X					
a.	always																			
b.	usually	X	X					X	X	X		X	X	X		X		X	X	X
c.	sometimes			X	X	X				X							X			
d.	rarely																			
e.	never																			
f.	no experience																			
100.	Does the judge order F.R.B.P. 2004 examinations to be postponed so that motions for protective orders can be heard on normal 21 day notice?																			
a.	always																			
b.	usually			X				X							X					
c.	sometimes							X	X		X	X	X	X			X			X
d.	rarely	X	X		X		X			X						X				
e.	never					X												X	X	
f.	no experience																			
101.	Does the judge order compliance with Local Bankruptcy Rule 9013-1(3) (governing discovery disputes) in a case where a motion for protective order has been filed?							X												
a.	always																			
b.	usually							X		X		X				X	X		X	
c.	sometimes		X																	
d.	rarely				X							X	X	X						X
e.	never	X		X			X			X					X					
f.	no experience					X												X		

Question #101 Detailed Response

Judge Bluebond: Depends on circumstances.

Local Bankruptcy Rule 2014-1(2)(a) states that there are two ways for review of an application for employment of a professional: by submission of an application to the United States Trustee, or by a formal noticed motion. With the former procedure, hearings are not contemplated unless "otherwise ordered by the Court."

102.	Does the judge order hearings on applications for employment of professionals which have first been submitted to the United States Trustee for review if no objection has been filed?																			
a.	always																			
b.	usually																			
c.	sometimes				X					X										
d.	rarely	X	X	X		X	X	X		X		X	X	X		X	X	X	X	
e.	never								X					X				X		X
f.	no experience																			

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR
103. Does the judge grant applications for employment without a hearing where the United States Trustee has signed indicating the United States Trustee does not oppose the application?																				
a. always									X					X						
b. usually	X	X	X	X	X	X	X		X		X	X	X		X	X	X	X	X	X
c. sometimes										X										
d. rarely																				
e. never																				
f. no experience																				
104. Does the judge consider employment applications that have not first been submitted to the United States Trustee, but instead have been set on formal notice and hearing pursuant to Local Bankruptcy Rule 2014-1(2)(a)?																				
a. always	X	X	X			X		X		X		X	X	X	X		X			
b. usually					X		X		X									X		X
c. sometimes																				
d. rarely											X					X			X	
e. never				X																
f. no experience																				
105. Does the judge deny employment applications to which no objection has been filed, without holding a hearing ?																				
a. always																				
b. usually																				
c. sometimes	X			X						X	X							X	X	
d. rarely						X			X			X					X			
e. never		X	X		X		X	X			X			X	X	X				X
f. no experience																				
Local Bankruptcy Rule 9011-1 references F.R.B.P. 9011 and grants express power to the Court to impose "appropriate discipline" for the filing of "unnecessary motions, and the unwarranted opposition to motions, which unduly delay the course of an action or proceeding." This can include the "imposition of costs and the award of attorneys' fees to opposing counsel."																				
106. Does the judge award sanctions for the filing of "unnecessary motions" or "unwarranted opposition" pleadings?																				
a. always																				
b. usually											X									
c. sometimes						X	X										X	X		
d. rarely	X	X	X	X	X			X	X	X		X	X	X	X	X			X	X
e. never																				
f. no experience																				

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR

107. If sanctions are awarded, to whom does the judge usually order sanctions be paid:																				
a. Clerk of the				X	X					X			X							
b. opposing party	X	X	X	X	X	X	X	X	X	X	X	X	X	X				X		X
c. opposing counsel				X		X							X			X			X	
d. other:					X										X		X			
e. no experience																				

Question #107 Detailed Response

Judge Alberts: Varies.

Judge Carroll: Depends on the circumstances.

Judge Donovan: Office of the United States Trustee.

Judge Jury: Depends.

Local Bankruptcy Rule 4008-1 covers hearings on reaffirmation agreements under 11 U.S.C. section 524. Reaffirmation agreements motions must be filed within 60 days following the conclusion of the first meeting of creditors, "unless otherwise ordered by the Court."

108. Does the judge deny a reaffirmation agreement solely because it is filed after the 60-day limit?																				
a. always			X												X					X
b. usually		X				X														
c. sometimes	X				X		X					X								
d. rarely										X	X					X				
e. never				X				X	X				X	X			X	X	X	
f. no experience																				

109. Does the judge treat a stipulation re: settlement in a nondischargeable adversary proceeding as a reaffirmation																				
a. always																				
b. usually												X		X						
c. sometimes	X		X		X	X	X			X		X				X				
d. rarely							X			X				X				X		
e. never		X		X				X											X	X
f. no experience																	X			

Local Bankruptcy Rule 9020-1 is an extensive rule which governs the issuance of orders to show cause re contempt (and proceedings related thereto). Local Bankruptcy Rule 9020-1 provides that "contempt proceedings are initiated by filing a motion that conforms with Local Bankruptcy Rule 9013-1(1) and a proposed order to show cause re contempt, which complies with the requirements of F.R.B.P. 9020(b)."

110. Does the judge issue orders to show cause re contempt upon the filing of motions by parties in the case?																				
a. always															X					
b. usually	X	X	X			X	X	X		X	X	X	X						X	X
c. sometimes					X				X							X	X	X		
d. rarely														X						
e. never																				
f. no experience				X																

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR
111. Does the judge issue orders to show cause re contempt on the judge's own initiative, as contemplated under F.R.B.P. 9020(a) and (b)?																				
a. always																				
b. usually															X					
c. sometimes		X					X		X							X	X			
d. rarely	X		X		X	X		X		X	X	X	X	X				X	X	X
e. never																				
f. no experience				X																
112. Does the judge issue orders to show cause re criminal contempt, as contemplated by F.R.B.P. 9020(b)?																				
a. always																				
b. usually																				
c. sometimes																X				
d. rarely		X	X					X		X			X				X			
e. never	X					X	X				X	X		X	X				X	X
f. no experience				X	X				X									X		

Local Bankruptcy Rule 9020-1(12) states that "The Court may limit testimony to controverted facts only."																				
113. In light of F.R.B.P. 9020(b), does the judge transfer contempt matters for handling by another judge when the contempt involves "disrespect to or criticism of" that bankruptcy judge?																				
a. always																X				
b. usually																				
c. sometimes																				
d. rarely																				
e. never																				
f. no experience	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X

Local Bankruptcy Rule 3007-1 governs the rules of handling objections to claims. Local Bankruptcy Rule 3007-1(2 & 3) contemplates that objections to multiple claims may be handled at the same hearing, so long as claims objections are grouped together for the Court.																				
114. If the judge has a limit on a calendar, what is the numbered limit the judge sets on a group of objections?																				
a. 10 or Less																				
b. 11 - 20								X												
c. 21 - 50					X													X	X	
d. 51 - 100																				
e. 101 and up		X	X		X		X				X					X				
f. don't know									X		X			X	X					X

Question #114 Detailed Response

Judge Carroll: If the hearing will take more than 15 minutes it must be specially set and cannot be self-calendared regardless of the number of objections.

Judge March: Attorney who wants to bring more objections on a single calendar should call calendar deputy, who will check with me to see how many objections of various kinds I want to set on a particular hearing date/time.

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR

Local Bankruptcy Rule 3017-1 requires that hearings on disclosure statements "shall be set on not less than 36 days notice, unless the Court, for good cause shown, prescribes a shorter period."

115.	Does the judge allow less than 36 days notice of a hearing on a disclosure statement?																			
a.	always																			
b.	usually																			
c.	sometimes				X	X		X			X			X		X	X	X		
d.	rarely	X	X	X			X		X	X	X		X		X				X	X
e.	never												X							
f.	no experience																			
116.	Does the judge use a "fast-track" procedure involving preliminary review and conditional approval of disclosure statements without a hearing?																			
a.	always																			
b.	usually												X							
c.	sometimes					X														
d.	rarely			X	X											X				
e.	never	X	X				X	X	X	X	X	X		X	X		X	X	X	X
f.	no experience																			
117.	Does the judge approve amended or amendments to disclosure statements without full re-noticing or re-hearing to all parties?																			
a.	always																			
b.	usually	X	X	X	X	X	X		X	X	X	X	X	X	X	X		X	X	X
c.	sometimes																X			
d.	rarely							X												
e.	never																			
f.	no experience																			
118.	Does the judge deny approval of a disclosure statement without holding a hearing on the matter (other than under a "small business" or "fast-track" procedure)?																			
a.	always																			
b.	usually				X															
c.	sometimes									X										
d.	rarely	X														X				
e.	never		X	X	X		X	X	X	X		X	X	X	X	X		X	X	X
f.	no experience																X			

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR

119.	Does the judge have any special required language that must be included in disclosure statements?																			
a.	yes (See below)	X	X			X	X	X		X	X	X	X				X	X	X	
b.	no			X					X				X	X	X	X				X
c.	no experience																			

Question #119 Detailed Response

Judge Ahart: Parties must use the form plan and disclosure statement available from chambers (one document).

Judge Alberts: A statement that factual and legal contentions have not yet been determined by Court.

Judge Barr: Require Court Approved form.

Judge Bluebond: May require use of Court approved forms in appropriate case.

Judge Carroll: Form disclosure statement is required unless specifically excused.

Judge Donovan: Court approved form generally required. See my notice on the Court's web site (under "Rules & Forms", then "Judge's Forms and Instructions") for an explanation of my procedures.

Judge Greenwald: Require Court approved form.

Judge Lax: Require Court approved form unless excused in advance; permission rarely given.

Judge March: I require parties to use the new district forms for plan and disclosure statements, unless they request and receive my permission not to use them (rare). I helped write these forms.

Judge Robles: Require Court approved form.

Judge Ryan: Require Court approved form.

Judge Smith: Court approved form disclosure statement required.

Judge Zurzolo: See form disclosure statement available on the Court's web site.

120.	Does the judge allow the plan and disclosure statement to be combined into a single document in Chapter 11 cases that are <u>not</u> small business Chapter 11 cases?																			
a.	yes	X								X			X							
b.	no		X	X	X	X	X	X	X	X	X	X		X		X	X	X	X	X
c.	no experience														X					

121.	Does the judge require a motion for an order confirming a Chapter 11 plan?																			
a.	always	X						X		X					X					
b.	usually		X									X								
c.	sometimes																			
d.	rarely					X														
e.	never			X	X		X	X		X		X	X	X		X	X	X	X	X
f.	no experience																			

Question #121 Detailed Response

Judge Bluebond: I want a confirmation brief that includes any evidence/argument necessary to support relief requested in plan, such as assumption on executory contracts, approval of compromises, etc.

122.	Does the Judge require plan proponent to submit admissible evidence for the plan confirmation hearing to prove the plan is confirmable?																			
a.	always	X	X		X	X		X	X	X	X	X						X	X	X
b.	usually			X								X				X	X			
c.	sometimes					X						X	X							
d.	rarely													X						
e.	never																			
f.	no experience																			

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR
123. Does the judge have a recommended form of disclosure statement?																				
a. yes	X	X	X	X	X	X	X		X	X	X	X	X	X		X		X	X	
b. no								X							X		X			X
c. don't know																				
Question #123 Detailed Response																				
Judge Barr: Court approved form (available on the Court's web site).																				
Judge Bufford: Court form (available on the Court's web site).																				
Judge Goldberg: Court approved form (available on the Court's web site).																				
Judge Lax: Court approved form (available on the Court's web site).																				
Judge Smith: Court approved form (available on the Court's web site).																				
124. If so, does the judge mandate its use?																				
a. always						X			X		X									
b. usually	X		X	X	X		X		X		X	X	X	X				X	X	
c. sometimes		X																		
d. rarely																				
e. never															X	X				X
f. no experience																				
Question #124 Detailed Response																				
Judge Lax: Court approved form (available on the Court's web site).																				
Judge Smith: Court approved form (available on the Court's web site).																				
125. Does the judge have a recommended form of plan?																				
a. yes	X	X	X	X	X	X	X		X	X	X	X	X	X		X		X	X	
b. no								X							X		X			X
c. don't know																				
126. If so, does the judge mandate its use?																				
a. always						X			X		X									
b. usually	X		X	X	X		X		X		X	X	X	X				X	X	
c. sometimes		X																		
d. rarely																				
e. never															X	X				X
f. no experience																				
Local Bankruptcy Rule 9013-1(1)(e)(i) references "motions for relief from stay to proceed with unlawful detainer actions involving residential properties...."																				
127. Does the judge grant true <i>ex parte</i> relief from stay in unlawful detainer cases (without any prior notice)?																				
a. always																				
b. usually																				
c. sometimes																	X			
d. rarely		X	X		X	X	X		X	X	X	X	X	X				X		
e. never	X			X				X						X	X	X			X	X
f. no experience																				

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR
128. If the prior response is a, b, c, or d, does the judge grant such relief without a hearing?																				
a. always																				
b. usually											X									
c. sometimes																				
d. rarely		X	X		X	X	X		X	X	X							X		
e. never																	X			
f. no experience																				
129. Does the judge hear relief from stay motions on shortened notice in cases involving residential properties with month-to-month tenancies, tenancies at will, or tenancies terminated by unlawful detainer judgment?																				
a. always	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X			X	X
b. usually																	X	X		
c. sometimes																				
d. rarely										X										
e. never																				
f. no experience																				
130. Does the judge hear relief from stay motions on shortened notice in non-residential unlawful detainer cases?													X		X					
a. always													X		X					
b. usually		X												X		X				
c. sometimes	X			X	X	X	X	X	X		X						X	X	X	X
d. rarely			X							X		X								
e. never																				
f. no experience																				
131. Does the judge have special procedures for handling residential real property relief from stay motions?																				
a. yes	X				X				X	X				X		X	X			X
b. no		X	X	X		X	X	X			X	X	X		X			X	X	
c. don't know																				
Does the judge require you to use Central District forms pursuant to Local Bankruptcy Rule 9009-1 in connection with any of the following:																				
132. Motions for relief from stay with regard to residential real property:																				
a. always	X	X	X	X		X	X	X	X	X		X	X	X	X					X
b. usually					X											X		X		
c. sometimes																				
d. rarely																				
e. never											X						X		X	
f. no experience																				
133. Motions for relief from stay with regard to commercial real property:																				
a. always	X	X	X	X		X	X	X	X	X		X	X		X					X
b. usually					X									X				X		
c. sometimes																X				
d. rarely																				
e. never											X						X		X	
f. no experience																				

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR

134. Other types of motions for relief from stay:																				
a. always	X	X	X	X		X	X	X	X	X		X	X		X					X
b. usually					X									X				X		
c. sometimes																				
d. rarely																				
e. never											X					X	X		X	
f. no experience																				
Local Bankruptcy Rule 9013-1(1)(d)(iii)(b) contemplates that points and authorities are not usually required "unless warranted by special circumstances of the motion, or otherwise ordered by the court" in connection with a motion for relief from the automatic stay.																				
135. Does the judge prefer points and authorities in routine motions for relief from the automatic stay?																				
a. always						X												X		
b. usually								X												
c. sometimes															X					
d. rarely		X	X				X		X		X									X
e. never	X			X	X					X		X	X	X		X	X		X	
f. no experience																				

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR

Local Bankruptcy Rule 9013-1(1)(m)(iv) provides that witnesses need not be present at the first (preliminary) hearing on a motion for relief from the automatic stay. Local Bankruptcy Rule 9013-1(1)(m)(v) provides "If the Court decides to hear oral testimony, the matter will be continued to another date for final hearing."

136. What percentage of the judge's hearings on motions for relief from the automatic stay do you estimate are resolved at the preliminary hearing, without any testimony?

a. more than 95%	X	X	X	X	X		X	X	X	X	X	X	X	X		X	X	X	X	X
b. 75% to 95%						X									X					
c. 50% to 74%																				
d. 25% to 49%																				
e. 5% to 24%																				
f. less than 5%																				
g. don't know																				

137. What percentage of the judge's preliminary hearings do you estimate are completed within 30 days of the date of filing of the motions for relief from stay?

a. more than 95%	X	X	X	X	X	X	X	X	X	X	X	X	X			X	X	X	X	X
b. 75% to 95%														X	X					
c. 50% to 74%																				
d. 25% to 49%																				
e. 5% to 24%																				
f. less than 5%																				
g. don't know																				

138. What percentage of the judge's final hearings do you estimate are completed within 60 days of the date of filing of the motions for relief from the stay?

a. more than 95%	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
b. 75% to 95%																				
c. 50% to 74%																				
d. 25% to 49%																				
e. 5% to 24%																				
f. less than 5%																				
g. don't know																				

Question #138 Detailed Response

Judge Goldberg: Only final hearings that are extended beyond 60 days are pursuant to stipulation of the parties.

139. Will the judge award prospective relief from stay effective for 180 days in future bankruptcy cases filed by the debtor?

a. always				X																
b. usually			X					X												
c. sometimes	X	X			X	X	X		X		X	X	X	X	X	X	X	X	X	X
d. rarely																				
e. never										X										
f. no experience																				

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR

140. Does the judge annul the automatic stay upon request?																				
a. always																				
b. usually															X					
c. sometimes	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	
d. rarely																				X
e. never																				
f. no experience																				

EMERGENCY MATTERS AND APPLICATIONS FOR ORDERS SHORTENING TIME

Among other things, Local Bankruptcy Rule 9075-1 covers emergency motions (i.e., "rare matters requiring an order on less than 48 hours notice"). A hearing date on an emergency motion may be obtained by telephoning chambers and seeking a hearing.

141. Does the judge routinely grant orders shortening time for the following matters? (Y/N)																				
a. residential unlawful	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	N	Y	Y	Y	Y	Y
b. cash collateral hearings	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
c. sales of property	N	N	N	N	Y	N	N	Y	N	N	N	N	N	Y	Y	Y	N	N	Y	N
d. temp. restraining order	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
e. other matters; please			Y										Y							

Question #141 Detailed Response

Judge Bluebond: First day motions in Chapter 11 cases; multiple filings - motions to dismiss or relief from stay.

Judge Bufford: Payroll motions; debtor-in-possession financing.

Judge Carroll: A. Yes, if judgement obtained pre-petition.

Judge Mund: Multiple filings (relief from stay).

Does the judge permit shortened notice on a motion for relief from stay in matters where there is proof of:

142. A prior unlawful detainer judgment in a residential case (month-to-month tenancy)?																				
a. always		X	X	X	X	X	X	X	X		X	X	X	X	X	X	X		X	X
b. usually	X																	X		
c. sometimes																				
d. rarely																				
e. never										X										
f. no experience																				

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR
143. A prior adequate protection order?																				
a. always			X		X	X	X	X			X		X							
b. usually	X			X						X		X		X	X	X		X	X	
c. sometimes									X								X			X
d. rarely																				
e. never																				
f. no experience																				
Question #143 Detailed Response																				
Judge Bluebond: Depends on terms of order.																				
144. Multiple bankruptcy filings?																				
a. always		X						X			X	X	X	X	X				X	
b. usually			X	X		X	X									X		X		
c. sometimes	X				X				X	X							X			X
d. rarely																				
e. never																				
f. no experience																				
145. Other conduct that constitutes bad faith?																				
a. always						X									X	X				
b. usually		X	X	X	X			X			X	X	X	X				X	X	
c. sometimes							X		X	X							X			X
d. rarely	X																			
e. never																				
f. no experience																				
146. A Chapter 13 confirmation hearing already scheduled?																				
a. always																				
b. usually					X	X								X	X	X				
c. sometimes		X					X	X									X			
d. rarely			X	X					X	X	X	X						X	X	X
e. never	X											X								
f. no experience																				
Question #146 Detailed Response																				
Judge Bluebond: If necessary to hear concurrently for the confirmation.																				

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR

147. Does the judge grant emergency (i.e., on less than 48 hours notice) hearings for the use of cash collateral in Chapter 11 cases?

a. always

b. usually

c. sometimes

d. rarely

e. never

f. no experience

															X				X	
				X	X					X	X	X	X	X			X	X		X
	X	X				X	X		X							X				
X																				
							X													

Question #147 Detailed Response

Judge Bluebond: Generally, I schedule hearing on approximately 48 hours notice.

Local Bankruptcy Rule 9075-1(1)(b) provides that unless "otherwise ordered by the Court," the moving papers must be filed at least two hours before the time set for hearing and a copy delivered directly to chambers."

148. Does the judge calendar a hearing on an emergency motion prior to receipt and review of the moving papers?

a. always

b. usually

c. sometimes

d. rarely

e. never

f. no experience

															X					
														X			X		X	
	X											X				X				
X		X	X	X						X			X					X		X
						X	X	X	X		X									

Local Bankruptcy Rule 9075-1(1)(c) contemplates that some hearings may be held and an emergency order entered with no notice whatsoever, consistent with 11 U.S.C. Section 102(1)(B)(ii).

149. Does the judge act upon emergency motions without requiring notice to any party whatsoever?

a. always

b. usually

c. sometimes

d. rarely

e. never

f. no experience

															X		X			
X	X	X		X	X	X	X	X	X	X	X	X	X	X		X		X	X	
			X																	X

Local Bankruptcy Rule 9075-1(2) governs motions to be heard on shortened notice. In order to shorten time, a moving party files a "written motion for order shortening time for hearing." Local Bankruptcy Rule 9075-1(2)(a) provides that "Notice of the motion for order shortening time is not required." However, Local Bankruptcy Rule 9075-1(3) provides that "any party may object to the adequacy of the notice provided and seek a continuance for good cause shown" at a hearing on the substantive motion.

150. Does the judge require some notice to another party before granting an application for order shortening time?

a. always

b. usually

c. sometimes

d. rarely

e. never

f. no experience

				X							X	X								X
		X	X																	
X					X	X	X	X		X				X		X		X	X	
								X				X		X		X				
													X							

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR

PROOF OF SERVICE REQUIREMENTS

Local Bankruptcy Rule 7004-1(2) governs the requirements of the proof of service.

151. Does the judge deny motions for the failure of the moving party to prepare and timely file a proof of service which complies with all of the requirements of Local Bankruptcy Rule 7004-1(2)?

a. always																				
b. usually	X										X					X			X	
c. sometimes		X			X	X	X		X	X					X		X			
d. rarely			X	X				X				X		X				X		X
e. never												X								
f. no experience																				

152. Does the judge continue motions to allow movant to provide proof of service?

a. always				X									X						X	
b. usually	X	X	X		X	X	X	X	X		X	X		X	X	X		X		X
c. sometimes										X							X			
d. rarely																				
e. never																				
f. no experience																				

Question #152 Detailed Response

Judge Bluebond: Or permit movant to lodge proof of service with order.

153. Does the judge deny motions for failure to identify on the proof of service the capacity in which parties have been served, as required by Local Bankruptcy Rule 7004-1(2)?

a. always																				
b. usually																				
c. sometimes					X										X		X			
d. rarely	X	X	X	X			X	X		X	X	X						X	X	
e. never						X			X			X	X		X					X
f. no experience																				

154. Does the judge continue motions for failure to identify on the proof of service the capacity in which parties have been served, as required by Local Bankruptcy Rule 7004-1(2) ?

a. always																				
b. usually												X								
c. sometimes				X	X									X	X					
d. rarely		X	X				X	X		X	X						X	X	X	
e. never	X					X			X			X				X				X
f. no experience																				

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR
155. Does the judge require the counsel of record to submit counsel's own personal declaration under penalty of perjury re service of the pleadings?																				
a. always																				
b. usually																				
c. sometimes																				
d. rarely											X									
e. never	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X
f. no experience																				
156. Does the judge require the counsel of record to certify in writing that the proof of service complies with Local Bankruptcy Rule 7004-1?																				
a. always																				
b. usually						X														
c. sometimes																				
d. rarely							X				X									
e. never	X	X	X	X	X			X	X	X		X	X	X	X	X	X	X	X	X
f. no experience																				
157. Does the judge impose sanctions for failure to file the status conference report as required by Local Bankruptcy Rule 7016-1 at each status conference?																				
a. always				X																
b. usually							X										X		X	
c. sometimes		X	X		X		X		X	X	X	X								X
d. rarely	X					X						X				X		X		
e. never														X	X					
f. no experience																				
158. Does the judge utilize sanctions of any kind to enforce the preparation of the status conference report?																				
a. always				X																
b. usually							X										X		X	
c. sometimes	X	X	X		X		X		X	X	X	X								X
d. rarely						X						X				X		X		
e. never														X	X					
f. no experience																				
159. Does the judge allow continuances of status conferences?																X				
a. always																				
b. usually		X	X			X			X			X	X	X				X	X	X
c. sometimes	X				X		X	X			X	X					X			
d. rarely				X						X					X					
e. never																				
f. no experience																				

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR
160. What procedures for continuances of status conferences does the judge allow? (Select all appropriate answers.)																				
a. by telephone					X						X	X				X				
b. telephone followed by	X				X				X		X	X		X	X	X		X		
c. by written stipulation	X	X	X	X		X	X	X	X	X	X	X	X		X	X	X		X	X
d. appearance only			X	X			X		X	X		X	X		X	X				
PRE-TRIAL ORDERS																				
Local Bankruptcy Rule 7016-1(2) governs the preparation of the joint pre-trial orders.																				
161. Does the judge utilize sanctions of any kind to enforce compliance with Local Bankruptcy Rule 7016-1 regarding pretrial orders?																				
a. always				X																
b. usually								X			X					X	X		X	X
c. sometimes	X	X			X				X	X		X	X	X				X		
d. rarely			X			X	X													
e. never															X					
f. no experience																				
162. Does the judge set or utilize a "Scheduling Order" at the status conference?																				
a. always				X						X	X								X	X
b. usually	X	X	X		X	X	X		X			X			X		X			
c. sometimes								X					X	X		X				
d. rarely																		X		
e. never																				
f. no experience																				
163. Does the judge require the use of joint pre-trial orders in trials estimated to take more than one day?																				
a. always	X	X		X		X		X			X								X	X
b. usually			X				X		X	X		X	X	X	X	X		X		
c. sometimes					X												X			
d. rarely																				
e. never																				
f. no experience																				
164. Does the judge require the use of joint pre-trial orders in trials estimated to take one day or less?																				
a. always				X		X														
b. usually	X	X	X					X			X								X	X
c. sometimes									X	X		X			X	X	X	X		
d. rarely					X		X						X	X						
e. never																				
f. no experience																				

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR
165. Does the judge have a required form for use as a pre-trial order?																				
a. yes		X		X						X						X				
b. no	X		X		X	X	X	X	X		X	X	X	X	X		X	X	X	X
c. don't know																				
166. Does the judge have a suggested form for use as the pre-trial order?																				
a. yes		X	X						X			X				X				
b. no	X				X	X	X	X		X	X		X	X	X		X	X	X	X
c. don't know																				
If the parties are not ready with a complying pre-trial order, Local Bankruptcy Rule 7016-1(6) permits the Court to continue the hearing, award monetary sanctions, or award non-monetary sanctions (or all three).																				
167. Does the judge continue the pre-trial hearing if the parties are not ready with a proper pre-trial order and there is no justifiable cause?																				
a. always				X		X														X
b. usually			X		X			X	X			X		X	X	X				
c. sometimes	X	X					X			X		X					X	X		
d. rarely											X								X	
e. never																				
f. no experience																				
Question #167 Detailed Response																				
Judge Carroll: A brief continuance accompanied by sanctions.																				
168. Does the judge impose monetary sanctions pursuant to Local Bankruptcy Rule 7016-1(6)?				X																
a. always																				
b. usually								X										X	X	
c. sometimes		X			X				X	X	X	X	X	X		X	X	X		
d. rarely	X		X			X	X													
e. never														X						
f. no experience																				
169. Does the judge impose non-monetary sanctions for non-compliance?																				
a. always																				
b. usually																				
c. sometimes	X	X			X	X			X	X	X					X	X	X	X	
d. rarely			X	X			X					X	X	X	X					X
e. never								X												
f. no experience																				
Local Bankruptcy Rule 7026-1 requires an early meeting of counsel in connection with contested hearings or trials.																				
170. Does the judge impose sanctions for non-compliance with Local Bankruptcy Rule 7026-1?																				
a. always																				
b. usually																				
c. sometimes		X					X	X			X						X		X	
d. rarely	X		X	X	X					X		X	X	X	X	X		X		
e. never						X			X											X
f. no experience																				

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR

DIRECT TESTIMONY BY DECLARATION

171.	Does the judge require direct testimony from witnesses in a party's control to be presented by declaration?																			
a.	always	X						X	X											
b.	usually		X								X		X						X	
c.	sometimes				X							X						X		
d.	rarely			X	X		X	X		X						X				
e.	never													X	X		X			X
f.	no experience																			

172.	Does the judge permit direct testimony from witnesses in a party's control to be presented by declaration upon request of the parties?																			
a.	always	X						X	X			X	X						X	
b.	usually		X			X	X			X	X					X	X	X		
c.	sometimes				X			X												X
d.	rarely			X										X	X					
e.	never																			
f.	no experience																			

173.	If Question 172 is answered a, b, c, or d, under what circumstances?																			
a.	both parties request	X	X			X		X		X	X		X	X	X		X			X
b.	one party requests; no		X			X		X		X	X		X		X	X	X	X	X	X
c.	one party requests;									X	X									
d.	other:			X			X		X				X							
e.	no experience																			

Question #173 Detailed Response

Judge Carroll: Depends on the circumstances.

Judge March: I usually continue the ptc if I don't have a ptc order that is usable, because I always require and sign a ptc before trial. However, sometimes I make the parties stay at court and write a ptc order if I get unilateral competing versions, or a joint ptc order with errors.

174.	Does the judge have published procedures regarding the format of declarations when direct testimony is to be presented by declaration?																			
a.	yes					X			X										X	
b.	no	X	X	X	X		X	X		X	X	X	X	X	X	X	X	X		X
c.	don't know																			

175.	Does the judge have published procedures regarding the exchange of declarations in advance of trial?																			
a.	yes	X				X			X	X								X	X	
b.	no		X	X	X		X	X		X	X	X	X	X	X	X	X			X
c.	don't know																			

Question #175 Detailed Response

Judge Bluebond: Not yet

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR
176. Does the judge require the opposing party to present written evidentiary objections to trial declarations in advance of trial?																				
a. always	X	X		X	X		X	X	X	X	X							X	X	X
b. usually						X						X	X							
c. sometimes			X																	
d. rarely																X				
e. never														X						
f. no experience															X		X			
EXHIBITS FOR TRIAL																				
Local Bankruptcy Rule 9013-2(2) mandates that the parties tag and number trial exhibits as outlined in Local Bankruptcy Rule 1002-1.																				
177. Does the judge require the exchange of exhibits prior to trial?																				
a. always	X	X	X	X		X	X		X	X	X		X	X	X	X		X	X	X
b. usually					X			X				X				X	X			
c. sometimes																				
d. rarely																				
e. never																				
f. no experience																				
178. Does the judge require the submission of bench copies of the exhibits prior to trial?																				
a. always	X	X	X	X		X	X			X	X			X						X
b. usually					X						X			X		X	X			
c. sometimes								X												
d. rarely									X				X					X	X	
e. never																				
f. no experience																				
179. Does the judge have special procedures for presentation of exhibits in the judge's courtroom?																				
a. yes												X		X						
b. no	X	X	X	X	X	X	X	X	X	X	X			X		X	X	X	X	X
c. don't know																				
180. If so, are the special procedures readily available to the public?																				
a. yes														X						
b. no											X		X							
c. don't know																				

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR

PART IV. Case Management

TENTATIVE RULINGS																				
181. Does the judge issue tentative rulings?																				
a. always			X			X			X											
b. usually		X		X	X		X					X		X			X	X	X	
c. sometimes										X		X		X						
d. rarely	X										X					X				X
e. never								X												
f. no experience																				
Question #181 Detailed Response Judge Jury: Oral. Judge March: Copies of the calendars with tentative rulings are posted on the internet and can be viewed in advance of hearing from any computer with modem using the webPACER system; my written tentative rulings are posted by no later than the day before the hearing; copies of calendar with tentative rulings are also posted outside the courtroom door, and on both counsel tables in the courtroom on the day of hearing so that attorneys/parties who have not read the tentative rulings on webPACER can read them while they are here.																				
182. If so, when are tentative rulings issued?																				
a. the day before the		X	X	X	X	X			X	X			X						X	
b. just before the hearing				X					X											
c. at the hearing	X			X	X		X			X	X	X		X	X		X	X		X
d. no experience																X				
Question #182 Detailed Response Judge Donovan: Or earlier, if possible and appropriate. Judge Lax: Sometimes just before hearing; sometimes available on webPACER the day before or morning of the hearing. Judge Mund: Via webPACER they are available as the calendar is being prepared, which is usually two days or more before the hearing.																				
183. How are the tentative rulings made known to the parties? (Select all applicable.)																				
a. by facsimile					X							X								
b. by telephone call from					X															
c. by voice mail recording on court telephone line																			X	
d. by notations on the daily calendar outside the courtroom		X	X	X	X	X	X		X			X	X							
e. on webPACER		X	X	X	X	X	X		X	X		X	X							
f. by judge at hearing on	X	X	X		X	X	X			X	X	X	X	X	X		X	X		X
Question #183 Detailed Response Judge March: I issue written tentative rulings on all items on the Tuesday calendar and on Wednesday items suitable for posted tentative rulings (i.e., not on status conferences, not on pretrial conferences and not on chapter 13 items) by posting the written tentative ruling on the Court's webPACER system the day before the hearing.																				

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR
184. If the judge issues tentative rulings in advance of the hearing, can the parties submit without an appearance?																				
a. always													X							
b. usually		X		X	X		X		X										X	
c. sometimes										X		X								
d. rarely						X														
e. never			X												X					
f. no experience	X													X		X				
SETTLEMENT CONFERENCES/BANKRUPTCY MEDIATION PROGRAM																				
185. Does the judge <i>sua sponte</i> order parties into the Bankruptcy Mediation Program?																				
a. always																				
b. usually																				
c. sometimes							X		X									X		
d. rarely			X	X	X	X		X		X	X	X	X	X	X				X	
e. never	X															X	X			X
f. no experience																				
186. To what extent does the judge use settlement conferences to encourage disposition of adversaries?																				
a. orders mandatory																				
b. suggests settlement		X									X			X						
c. suggests settlement conferences likely to	X		X	X	X	X	X		X	X		X	X		X	X	X	X	X	X
d. rarely uses settlement							X													
e. never uses settlement																				
f. no experience																				
187. To what extent does the judge use settlement conferences to encourage disposition of disputes regarding																				
a. orders mandatory																				
b. suggests settlement conferences likely to			X	X	X				X	X	X		X	X		X		X	X	X
c. rarely uses settlement	X	X				X	X	X				X			X		X			
d. never uses settlement																				
e. no experience																				
188. To what extent does the Judge use settlement conferences to encourage disposition of disputes regarding plans of reorganization?																				
a. orders mandatory settlement conference																				
b. suggests settlement conferences likely to help	X	X	X	X	X				X	X	X	X	X	X		X		X	X	X
c. rarely uses settlement conferences							X													
d. never uses settlement conferences						X											X			
e. no experience								X							X					

QUESTIONS	LA										SFV			RS			SA			ND
	AA	BB	SB	EC	TD	KM	ER	BR	ES	VZ	AG	KL	GM	MG	MJ	DN	RA	JB	JR	RR

CHAPTER 11 CASES189. Does the judge set status conferences *sua sponte* in Chapter 11 cases?

a. always	X	X	X	X	X	X	X	X	X	X	X	X	X							X
b. usually																		X		
c. sometimes														X						
d. rarely															X	X				
e. never																	X	X		
f. no experience																				

190. Does the judge require the filing of a status conference report in Chapter 11 cases?

a. always	X	X	X	X	X	X	X	X	X	X	X	X	X							X
b. usually																		X		
c. sometimes																X				
d. rarely														X	X					
e. never																	X	X		
f. no experience																				

191. If so, does the judge's staff or clerk provide counsel with notice of the requirements of such report?

a. always	X	X	X	X	X	X	X	X	X	X	X	X	X						X	X
b. usually														X						
c. sometimes																				
d. rarely															X					
e. never																X				
f. no experience																				

192. Does the judge set status conferences, issue orders to show cause, or otherwise monitor Chapter 11 cases post-confirmation?

a. always	X	X	X	X	X	X	X	X	X	X	X	X	X					X	X	X
b. usually															X					
c. sometimes														X			X			
d. rarely																X				
e. never																				
f. no experience																				